

Order

Michigan Supreme Court
Lansing, Michigan

September 10, 2007

Clifford W. Taylor,
Chief Justice

133228

Michael F. Cavanagh
Elizabeth A. Weaver
Marilyn Kelly
Maura D. Corrigan
Robert P. Young, Jr.
Stephen J. Markman,
Justices

RAYMOND NEWSOME and
NANCY NEWSOME,
Plaintiffs-Appellants,

and

BLUE CROSS & BLUE SHIELD OF
MICHIGAN,
Intervening Plaintiff,

v

PETER BONO, D.O., TRI COUNTY
ORTHOPEDICS, P.C., and BOTSFORD
GENERAL HOSPITAL,
Defendants-Appellees.

SC: 133228
COA: 270237
Oakland CC: 2004-062278-NH

On order of the Court, the application for leave to appeal the November 14, 2006 judgment of the Court of Appeals is considered and, pursuant to MCR 7.302(G)(1), in lieu of granting leave to appeal, we REVERSE the portion of the judgment of the Court of Appeals affirming the dismissal of the complaint *with* prejudice, because the dismissal should have been *without* prejudice. See *Kirkaldy v Rim*, 478 Mich 581 (Docket No. 129128, decided July 11, 2007). Accordingly, we REMAND this case to the Oakland Circuit Court for entry of an appropriate order. In all other respects, leave to appeal is DENIED, because we are not persuaded that the remaining questions presented should be reviewed by this Court.



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I, Corbin R. Davis, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

September 10, 2007

Corbin R. Davis

Clerk